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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PACIFICA SEACOVE LP,	}	Case No. CV 12-7028 UA
Plaintiff,		
v.		(PROPOSED)
DARYL COLEMAN, et al.,		ORDER SUMMARILY REMANDING
Defendants.	}	IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because it was improperly removed.

On August 15, 2012, Removing Defendant Daryl Coleman lodged a Notice of Removal which seeks removal to this Court of what appears to be a routine post-foreclosure unlawful detainer action filed in California state court ("State Complaint" or "State Action"), and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the State Action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

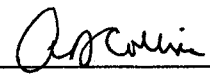
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1 Simply stated, Plaintiff could not have brought this action in federal court in
 2 the first place, in that Removing Defendant does not competently allege facts
 3 supplying either diversity or federal-question jurisdiction, and therefore removal is
 4 improper. 28 U.S.C. § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc.,
 5 545 U.S. 546, 563 (2005). Even if complete diversity of citizenship exists, the
 6 amount in controversy alleged in the State Complaint does not exceed the
 7 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). Nor
 8 does Plaintiff's unlawful detainer action raise any federal legal question. See 28
 9 U.S.C. §§ 1331, 1441(b).

10 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
 11 Superior Court of California, Los Angeles County, Santa Monica Courthouse, 1725
 12 Main Street, Santa Monica, CA 90401, for lack of subject matter jurisdiction
 13 pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of this Order to
 14 the state court; and (3) the Clerk serve copies of this Order on the parties.

15 IT IS SO ORDERED.

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 17 DATED: 8/22/2012

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 19 
 20 HONORABLE AUDREY B. COLLINS
 21 CHIEF UNITED STATES DISTRICT JUDGE

22 Presented by

23 /s/
 24 Honorable Jacqueline Chooljian
 25 UNITED STATE MAGISTRATE JUDGE
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